Approved For Release 2005/01/27 : CIA-RDP75-00770R000100180001-4

BALTIMORE SUN
4 NOV 1969

Suit Involving CIA And Agent Is Dismissed Again

By GERALD A. FITZGERALD

A federal judge in Baltimore dismissed for the second time yesterday a $110,000 slander suit that forced the Central Intelligence Agency to acknowledge an Estonian refugee now living in Hyattsville as one of its agents.

However, the suit has revealed little more about the secret intelligence agency's operations during the five years it has been before the federal courts.

The suit was filed in 1964 by Eeric Heine, a 49-year-old lecturer now residing in Canada, who claimed that the agent, Juri Raus, had discredited him among Estonian emigre organizations by labeling him a "dispatched Soviet intelligence operative, a KGB agent."

The warning, which both Mr. Raus and the CIA have admitted, was delivered on three separate occasions in 1963 at meetings of refugees in this country.

The case was first decided on December 8, 1966 by Judge Roszel C. Thomsen, who agreed with the government's position that Mr. Raus held immunity from damage suits based on actions he undertook in his capacity as a government intelligence agent.

The judge ruled that the agency was further protected from suit by what he said was its privilege to protect state secrets.

The Fourth United States Circuit Court of Appeals in Richmond, which reopened the case in July, 1968, said that it agreed with Judge Thomsen's main conclusions, but wished to have additional evidence on record to resolve a doubtful factual point.

The agency director's affidavits to the court stated that Mr. Raus acted under instructions, which the appellate court said "implied" that the instructions were given by someone authorized to do so, and ultimately in a position to claim executive privilege from suit.

However, the record still carried the "permissible inference that (the) instructions were given by an unauthorized underling, and that the action has never had the approval of a responsible official of the agency," the court said.

F.L.R.
Heine Press

Approved For Release 2005/01/27 : CIA-RDP75-00770R000100180001-4

BALTIMORE SUN
8 OCT 1969
Approved For Release 2005/01/27 : CIA-RDP75-00770R000100180001-4

HELMS FILES CIA AFFIDAVIT

Court To Rule On Agency's Part In Slander Case

By THEODORE W. HENDRICKS

The director of the Central Intelligence Agency admitted in a Federal Cour taffidavit filed here yesterday that he lacked personal fore knowledge of a wove by the agency to brand an Estonian emigre as a Communist agent.

At the same time, however, Richard Helms, who now heads the supersecret spy agency, said that he had reviewed the entire matter afterward and had "ratified and approved" the action.

The statements were made in the sixth affidavit filed by Mr. Helms arising out of a slander suit brought by Eerik Heine of Rexdale, Canada, who claims that his reputation was ruined by the CIA action.

Mr. Heine sued Juris Raus, now an employee of the Bureau of Public Roads who lives in Hyattsville, Md., for $110,000, but the case was thrown out because of the CIA's refusal to tell the court about the instructions it had given to Mr. Raus.

The CIA has admitted only that Mr. Raus was agency operative and that he had received instruction designed to prevent Estonian emigre groups from being infiltrated by Soviet agents.

Because the CIA had invoked privileges on national security grounds and had ordered Mr. Raus not to testify under penalty of death, the $110,000 slander suit was thrown out before it came to trial.

Case Ordered Reopened

8he 4th Circuit Court of Appeals ordered the case reopened for a limited purpose. The appellate court ruled that the CIA director must state clearly whether or not he had authorized instructions to Mr. Raus.

Chief Judge Roszel C. Thomsen must now rule on whether the statements made by Mr. Helms are sufficient to satisfy the appeals-court ruling.

Mr. Heine claims that he was once a freedom fighter in Estonia and that he had made a reputation since escaping from the Russian-dominated country by lecturing on anti-Communist activities and by showing a film he made called "Creators of Legend."

At a 1963 meeting of Estonian groups in New York, Mr. Heine charges, Mr. Raus, who was also an Estonian emigre, denounced him as a "dispatched Soviet intelligence operative, a KGB agent."

"Absolute Privilege"

At that time Mr. Raus was national commander of the Legion of Estoinian Liberation. The CIA later admitted that it had furnished Mr. Raus with information designed to protect foreign intelligence sources.

The government spy agency asserted that it had an "absolute privilege" to refuse to reveal the source of its information and revealed that Mr. Raus had signed a death oath to prevent him from testifying.

In an earlier opinion, Judge Thomsen pointed out that a slander suit could not be tried because Mr. Raus would stand "weaponless before his adversary" in a court trial where the CIA invoked its privilege to silence Mr. Raus.

Although the court of appeals upheld this decision, the case was sent back so that the CIA could affirm that it authorized instructions to Mr. Raus.

No Vindication

Without this authorization, it was indicated, the CIA could not raise the executive privilege designed to protect its files.

As for Mr. Heine, dismissal of the case would mean that he would have no opportunity to vindicate himself from charges that he had assumed another man's identity to spy on Estonian groups.

Whether Judge Thomsen will require a further court hearing on the case or rule on the newly submitted affidavit has not yet been determined.

Approved For Release 2005/01/27 : CIA-RDP75-00770R000100180001-4

TORONTO, ONTARIO
CANADA JUL 14 1969
TELEGRAM
E - 211,230

Approved For Release 2005/01/27 : CIA-RDP75-00770R000100180001-4

RJB info
Please file.
H.V.R
Pres

ANTI-COMMUNIST

Branded as spy, man suing CIA

By WILLIAM DODDS
Telegram Staff Reporter

Two weeks ago, a neat bungalow on a quiet street in Rexdale was pelted with eggs.

Shortly before, a picture window was shattered in the night and the tires on a car in the drive were slashed.

The telephone rings at all hours. When Eerik Heine, 48, owner of the house, answers, there is heavy breathing, obscenities and threats against him and his family.

There's really no point in him having a telephone. He can't make any important calls on it because he's convinced there's a wiretap on it somewhere.

His lawyers in the U.S. agree with him. They have warned him never to phone them or write. They say their phone calls and letters are probably under surveillance, too.

Heine, an Estonian-born Canadian who has devoted his life to fighting Communism, has been branded as a Moscow agent by the U.S. Central Intelligence Agency.

He has pressed a slander suit against the CIA and its agent, Juri Raus, for the past six years, claiming $110,000 in damages.

Raus, commander of the Legion of Estonian Liberation, spread word through North America's Estonian groups that Heine was a KBG (Russian secret police) agent. Richard Helms, CIA deputy director, swore before a Maryland court that the accusation was based on CIA sources.

But Heine is undaunted.

"I'm still a target for every kind of smear," he said. "There's rumors . . . that I'm drinking heavily, that I'm beating my wife. They've even said I'm breaking down under the stress."

He smiled. In a paint-spattered T-shirt, he looked fit and ready for fight for another six years. The interview interrupted him in the middle of a minor repair to his house.

"You see — I know I'm right. I have never been and never will be a Soviet agent.

"I still see the CIA and the United States as the strongest force against an enemy I have fought all my life," he said. "I wish this could be settled some other way."

He is convinced that both he and the CIA are the losers in this dispute. The Russian KGB is the only winner, regardless of how the lawsuit ends.

In 1963, he was known as a violent anti-Communist, a man who lectured across North America on the evils of the Red menace, showing a film on Estonian guerrilla he had made himself at great expense.

Within months, the rumors and whispers started by Raus destroyed him in the Estonian community.

"It was a real shock for my fellow-Estonians," he mused. "I'd say 90 percent of them believed it."

But the worst is over, he said. "They are coming back. Less than half of them still believe the lies about me."

He is convinced the attack on him is based on false information fed to the CIA through infiltrators or double agents by Russia. "The CIA is being taken for a sucker."

Without changing his level tone, he remarked he is convinced he is still under surveillance by the CIA — possibly by telephone taps or other electronic equipment.

He picked up the telephone on his desk.

"I've been thinking about having this changed."

His number has been changed and is now unlisted, but he still gets threatening phone calls.

At the moment, his lawsuit is almost at a standstill.

The CIA refuses to reveal its sources for its charges against Mr. Heine on the grounds of national security. The legal argument now is to determine just how much the CIA has a right to hide.

He speaks of Canada's RCMP with respect. His only encounter with that force was a result of his anti-Communism activities.

The RCMP asked him to outline his plans and to promise not to cause trouble when a Russian delegation visited Expo 67 in Montreal.

It was a reasonable request, Mr. Heine thinks.

He was sentenced to 15 days in Montreal's Bordeaux jail for painting a slogan across a giant sculpture in front of the Russian Pavilion at Expo. It read Freedom For The People Of Estonia, Latvia and Lithuania.

"It was like a vacation. That's the Grand Hotel after the Russian prisons I've been in," he said.

He spent nine years in Soviet prison camps for fighting the Communists in Europe.

He's still fighting here.

Approved For Release 2005/01/27 : CIA-RDP75-00770R000100180001-4

Approved For Release 2005/01/27 : CIA-RDP75-00770R000100180001-4

First Southerner Is Named

By LYLE DENNISTON
Star Staff Writer

Clement Furman Haynsworth Jr., born to tradition and comfortable in it, is courtly enough to be considered an aristocrat and genteel enough to have been part of the Old South.

A South Carolina gentleman who raises camellias, lives in the better part of town and has the right kind of background, Haynsworth has an antique aspect about him.

He was destined, by the force of four generations of family custom, to become a lawyer. He went on to become a judge because of the politics of the new South. That same politics, apparently, explains President Nixon's choice of him to be a justice of the U. S. Supreme Court.

The first Deep South judge to be named to the high court since the civil rights revolution, Haynsworth was one of the Dixie Democrats who helped Dwight D. Eisenhower in his Republican presidential campaign, the first modern challenge to the solid South.

School Desegregation

He was noticed anew by the Republicans this time as a Southern judge whose posture on the school desegregation issue comes close to that in Nixon's campaign speeches.

For 12 years, he has sat through some of the hardest years for a Southern jurist — the time of transition from white supremacy to black equality, from "massive resistance" to measured desegregation.

Like many in his home region in that time, Haynsworth has yielded to the mandates given him by the Supreme Court, but he has not gone beyond them. The result is that he has a reputation as moderate to conservative on race relations.

It was, in his apparent life pattern, typical. A traditionalist in the law, he follows it without wishing particularly to see it come out in new ways and modes.

Lawyer's Law

From his days as a law student, when he assisted a professor drafting a treatise on trusts, until now, when he can take pride in a complicated opinion on Wigmore's doctrine of legal presumptions, Haynsworth has seemed most comfortable working at "lawyer's law."

That, too, fits the undramatic cast of a man whom Greenville, S.C., considers among its pillars. Greenville has held the preoccupations of the Haynsworths and the Furmans.

Judge Haynsworth's father, grandfather, great-grandfather and great - great - grandfather were practicing lawyers, and when the judge—then a new law graduate of 24—joined the Greenville firm of Haynsworth & Haynsworth, it was the state's largest.

Another great-great grandfather, Richard Furman, founded a university in Greenville. Haynsworth's great-grandfather was Furman University's first president.

It was there, perhaps inevitably, that young Haynsworth took his undergraduate degree

PRESIDENT NIXON
Names a Southerner

—bachelor of arts, summa cum laude—in 1933; where he was president of his fraternity; where he earned a medal for an article in the college magazine.

Community Posts

In Greenville, as a practicing attorney, Haynsworth took on such community posts as president of the Greater Greenville Community Chest, chairman of the Crusade for Freedom, and director of the South Carolina National Bank and Greenville Hotel Co. He became a vestryman in Christ Church.

Except for time at Darlington School in Rome, Ga., Harvard Law School and more than three years as a Navy intelligence officer, Haynsworth has spent his life in Greenville.

As a judge of the 4th Circuit U.S. Court of Appeals, his jurisdiction touched five states, but he continued to keep his home and his office in Greenville, the southernmost part of that jurisdiction.

Not Widely Known

He is simply not well known outside the 4th Circuit. One reason, reflected in a list he compiled of his main judicial contributions, is that he has a modest record of setting precedents. His opinions may define a legal point with clarity and precision, but the legal point is often someone else's original idea.

Of his own work, the judge says candidly: "There is no single thread of consistency running through his rulings."

A judge, he maintains, must examine "each matter differently."

But there are some patterns in his work. And unless closely examined, they might appear contradictory.

Streak of Independence

For example, Haynsworth has shown a streak of independence about the powers of federal judges. But at the same time, he is hesitant about using a judge's authority to disrupt state and local officials' actions. Looked at only that way, his position seems to be on both sides of the "states' rights" argument.

But his notion of federal judicial independence has to do with the basic jurisdiction of the national courts to consider cases. Once that is settled, and a case of "states' rights" is before him, Haynsworth is likely to defer to the judgment of state officers or courts.

"In determining its own jurisdiction," he wrote eight years ago, " a district court of the United States must look to the sources of its power and not to acts of states which have no power to enlarge or to contract the federal jurisdiction."

The other side of his approach was illustrated in his comment in an opinion five years ago in a Maryland case:

Numbers Discounted

"It seems to me that we are not to decide the question of Maryland law by counting the noses of federal judges with Maryland backgrounds who have expressed or intimated a view or an assumption upon one side or another."

Perhaps the distinction he seeks to draw can best be seen in a field in which he can claim some precedent-setting originality: The right of state prison inmates to contest their state convictions in federal courts.

In rulings in 1966 and 1967 Haynsworth laid down the principle that an inmate should be permitted to go to federal court to challenge a conviction even though he was not at the time serving the sentence resulting from that conviction.

That doctrine, later upheld by the Supreme Court, was very satisfying to civil liberties lawyers. It upset an old doctrine which had meant, for instance, that a prisoner serving a sentence for one crime and facing another sentence to start years later had to wait for the second sentence to begin before he could challenge that conviction.

Despite his willingness to hear more state prisoners' complaints, Haynsworth has hardly given them encouragement. With few exceptions, his vote in such cases has upheld the conviction.

Crime Views

Indeed, he has taken some positions on criminal law questions which suggest President Nixon might count on him for another future Supreme Court vote against the justices' recent leaning in crime cases.

In 1964, he wrote a ruling that a confession obtained from a rape-murder suspect could be used against the man at trial, even though the confession came only after the man was held for 16 days without seeing a lawyer or visitors.

A year earlier, he dissented when a majority of the 4th Circuit applied to past cases a Supreme Court ruling, never explicitly made retroactive by the high court itself, which had extended to state cases the constitution's ban on unreasonable police searches.

In 1964, Haynsworth wrote a decision permitting the use in a civilian trial of evidence taken from a U. S. Marine's quarters by a military investigator who had no warrant to make a search. "If the search was valid as a matter of military law when made, it was valid for all purposes," he concluded.

Rights of Convict

In another 1964 decision, he laid down the rule that a convicted man has no absolute right to a lawyer when he comes up for a parole hearing.

In 1966, Haynsworth — in a move that was later to win Supreme Court approval in a split decision — sought to expand the authority of police to make broad searches for anything that would help them build their case, not merely for weapons, stolen goods, or "instrumentalities of crime."

Two years ago, Haynsworth objected that his colleagues were going too far when they laid down the rule—adopted independently a few weeks later in a Supreme Court decision—that it was unconstitutional to exclude all persons who oppose the death penalty from serving on death case juries.

Last year, the judge dissented when the Circuit Court majority nullified North Carolina's entire system for imposing the death penalty on the ground that it unconstitutionally forced suspects to forfeit their right to a jury trial. That ruling is coming up for review this fall in the Supreme Court.

Brown Ruling

Haynsworth wrote one criminal case ruling two years ago that has drawn objections from "law-and-order" advocates. It involved the militant former chairman of the Student Non-Violent Coordinating Committee, H. Rap Brown.

Faced with charges of inciting a riot in Maryland, Bro had fled to Virginia and l been seized there. Instead ordering him returned to Ma land for prosecution, a fede judge permitted Brown to go New York, but ordered him remain in that area under personal supervision of his la yer.

H. RAP BROWN
Figures in Ruling

Brown appealed the trav limiting order to the 4th Circ Court, claiming it restricted freedom too greatly. Hayn worth wrote the decision upho ing the restriction of Brown the New York area. But t provoked a dissent by Jud Albert V. Bryan, who said t Brown should not have be permitted to leave the Ma land-Virginia area because, on gone from there, he mig evade prosecution.

Haynsworth's ruling, whi unsettling to some as supposed too liberal, did not greatly e pand the right of a crimin suspect to get beyond the rea of a court's supervision. In fac the underlying theory of t ruling is based on the power courts to impose "reasonab conditions and limitations" on person set free on bail.

Civil Rights Stance

If the judge does have ar serious challengers, it is n because of his votes and opi ions in crime cases but becaus of his civil rights stance—pa ticularly his record on scho desegregation.

His general approach cam out clearly in one of his earlie significant opinions in this fiel a 1963 ruling involving th public schools of Prince Edwar County, Va.

To avoid integrating whit and Negro pupils, county of ficials closed down the public schools and arranged tuition grants so that white youngsters could go to segregated private schools.

Haynsworth said the closing of the schools was not a denial of "equal protection of the laws."

Underlying the conclusion was a theory which persists in his actions in school cases since— that officials in the South, while forbidden to run a segregated school system, do not have a firm duty to break up that system by requiring race mixing.

This is the theory upon which many Southern opponents of integration have based their "freedom-of-choice" plans, which in many cases have kept integration at a minimum.

In its simplest form, the theory was stated in a 1955 ruling—one year after the Supreme Court's main desegregation decision — in a South Carolina federal court. Haynsworth was not a judge at the time.

Theory Outlined

"The equal protection clause," the lower court had declared, "does not require integration, but merely forbids discrimination, and does not forbid such segregation as occurs as a result of voluntary action.

"The Supreme Court has not decided that the states must mix persons of different races in the schools or must deprive them of the right of choosing the schools they attend."

Two years ago, when Haynsworth wrote a 4th Circuit opinion applying a version of that doctrine, Judge Simon Sobeloff dissented with a protest that the tribunal was the last circuit court handling Southern school cases to hold to the theory.

Haynsworth had written: "If each pupil, each year, attends the school of his choice, the

Approved For Release 2005/01/27 : CIA-RDP75-00770R000100180001-4

Approved For Release 2005/01/27 : CIA-RDP75-00770R000100180001-4

3 JUN 1969

COURT'S AID ASKED BY CIA

Helms Wants Query On Spy Accusation Disallowed

By THEODORE W. HENDRICKS

The director of the Central Intelligence Agency asked the Federal Court yesterday to draw a veil of secrecy over further attempts to probe his role in branding a man as a Communist agent.

Richard Helms, now head of the super-secret spy agency, admitted in a fifth affidavit filed in Federal Court that he gave instructions which led to naming a man as a KGB, or Soviet security police, agent.

Living In Canada

The man, named Eerik Heine, 46, sued a CIA operative for $110,000 damages, claiming he was slandered by statements made to a New York meeting of an Estonian emigre group.

Mr. Heine, who now lives in Canada, was refused permission to prosecute his suit against Juri Raus, of Hyattsville, on grounds that CIA secrets would be revealed in court testimony.

The Fourth Circuit Court of Appeals reviewed an order dismissing the case and held that the matter should be reopened to allow a CIA official to confirm instructions given concerning Mr. Heine.

Questions Opposed

After the CIA head filed an affidavid, lawyers propounded a series of questions to him to challenge his legal authority for such order.

Mr. Helms and attorneys for Mr. Raus complain that the series of questions were not relevant and should be ignored by the court in closing out the case.

In the questions, Mr. Helms was asked whether he was aware that Mr. Raus "jumped up from a seat at a table" at the New York meeting to shout the information about Mr. Heine.

Lawyers for Mrs. Heine, who are seeking to reopen the case, assert that Mr. Raus was drinking an "intoxicating beverage" at the time and attributed his source of information to the FBI.

Federal statutes prohibit the CIA from probing any security matters in the boundaries of the United States, it was said. This is reserved for FBI jurisdiction.

According to the CIA, the information was passed on to the operative in an attempt to protect a foreign-intelligence source from infiltration by a Soviet agent.

Chief Judge Roszel C. Thomsen will hear on Friday a special plea that the case should be dismissed on grounds that the questions asked by Mr. Heine's lawyers are improper.

The CIA asserts that Mr. Heine's new affidavit fulfills the requirements spelled out by the Fourth Circuit Court of Appeals in upholding the ruling that ended the case.

Approved For Release 2005/01/27 : CIA-RDP75-00770R000100180001-4

Approved For Release 2005/01/27 : CIA-RDP75-00770R000100180001-4

BALTIMORE, MD.
SUN
M - 186,878
E - 213,289
S - 345,651

FEB 22 1969

Estonian Emigre Revives Suit Against Ex-CIA Man

By THEODORE W. HENDRICKS

An Estonian emigre, who claims he is a freedom fighter, moved yesterday in Federal Court to revive his $110,000 slander suit against a Central Intelligence Agency operative who allegedly called him a Communist agent.

Eerik Heine, who lives in Rexdale, Canada, filed notice that he "seriously relies on the inference" that the man who he says called him an agent of the Soviet secret police had no backing from the nation's supersecret spy agency.

Mr. Heine moved to reopen the case after the Fourth Circuit Court of Appeals called for an authorized official of the CIA to step forward and say whether the statements allegedly made against Mr. Heine were authorized by the agency.

Slander Alleged

Slander charges were filed against Juri Raus, an employee of the Bureau of Public Roads who lived in Hyattsville, by Mr. Heine after his reputation was allegedly questioned in New York.

Mr. Raus, too, is an Estonian emigre who served in 1963 as national commander of the Legion of Estonian Liberation. He made statements against Mr. Heine three times at a conference, it is alleged.

As a result of the alleged statements, Mr. Heine claims that his reputation as a lecturer on Estonian anti-communist activities was ruined. He had had a film titled "Creators of Legend" made to illustrate his talks and had written books on the subject.

Nailed Flag

According to Mr. Heine, he participated in resistance to the takeover of his country by the Russians and was known as the man who nailed a flag to a city hall in defiance of Russian troops.

But Mr. Raus is supposed to have claimed Mr. Heine assumed the identity of a dead man and masked his true identity in an attempt to infiltrate the emigre group active in America and Canada.

When pressed by the court suit, Mr. Raus indicated his information came from the Central Intelligence Agency and that he had sworn on penalty of death not to reveal its source.

CIA Reluctant

Pre-trial efforts centered around moves to get the CIA to affirm or deny the role claimed by Mr. Raus, but the spy agency was reluctant to do so.

Finally, through a series of affidavits, the CIA admitted that it had furnished Mr. Raus with information and had sent him to meet with key Estonian groups.

Richard Helms, now CIA director, claimed that such action was taken because the CIA was interested in protecting its intelligence sources from infiltration.

The government spy agency asserted it had an "absolute privilege" to refuse to reveal the source of its information and to prevent Mr. Raus from making any further statements.

Stand "Weaponless"

Chief Judge Roszel C. Thomsen pointed out that Mr. Raus would stand "weaponless before his adversary" in a court trial of the case if the CIA stood on this privilege.

Without a trial, however, Mr. Heine would have no opportunity to attempt to vindicate himself from charges he claimed ruined his reputation.

In making a choice, Judge Thomsen said he would have to dismiss the slander suit on grounds that the executive privilege raised was absolute and was properly invoked in this case.

The Fourth Circuit appeals court agreed with the assertion of privilege on national security grounds, but sent the case back so the record show the CIA director authorized the instructions to Mr. Raus.

The appeals court ruled that there was a "permissible inference that instructions were given by an unauthorized underling and that the action has never had the approval of a responsible official of the agency."

Approved For Release 2005/01/27 : CIA-RDP75-00770R000100180001-4